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Attorneys for United States of America

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
\$70,000 IN UNITED STATES )  
CURRENCY, )  
 )  
Defendant. )

No. 07-3359 WHA

JOINT CASE  
MANAGEMENT STATEMENT

Date: March 13, 2008  
Time: 11:00 a.m.  
Place: Courtroom 9, 19<sup>th</sup> Floor  
Federal Building  
450 Golden Gate Avenue  
San Francisco, CA

Pursuant to the stipulation and order entered January 23, 2008, the parties submit this case management statement:

**1. The basis for this Court's subject-matter jurisdiction and whether any issue exists regarding personal jurisdiction or venue.**

This is a civil forfeiture action. The Court has subject matter jurisdiction under 28 U.S.C. §§ 1345 and 1355(a), and 21 U.S.C. § 881(a)(6).

**2. A brief description of the case and defenses and description of any related proceeding, including any administrative proceedings.**

This is a forfeiture action against defendant \$70,000 in United States Currency seized along with almost one pound of marijuana and a number of firearms during the execution of a

1 search warrant on or about February 10, 2007. 21 U.S.C. § 881(a)(6). In August of 2007,  
 2 claimant Jimmy Labranch filed a claim and then an answer. Claimant Labranch asserted that  
 3 defendant \$70,000 is not (1) money furnished or intended to be furnished by in exchange for an  
 4 illegal controlled substance; (2) proceeds traceable to such an exchange; or (3) money used or  
 5 intended to be used to facilitate any violation of the Controlled Substances Act.

6 In October of 2007, the United States informed claimant there is an ongoing criminal  
 7 investigation involving him. Counsel for claimant and the United States stipulated to stay this  
 8 case pursuant to 18 U.S.C. § 981(g). In November of 2007, the United States filed two  
 9 declarations from Special Agent Carlos Alfaro explaining the basis for the stay, one was a public  
 10 declaration and the second was a more detailed declaration filed under the seal of the Court.  
 11 The Court stayed the case by order entered November 7, 2007. The investigation involving  
 12 claimant continues to be ongoing. Thus, the stay remains appropriate.

13  
 14 IT IS SO STIPULATED:

JOSEPH P. RUSSONIELLO  
 United States Attorney

15  
 16 Dated: March 11, 2008

/s/  
 PATRICIA J. KENNEY  
 Assistant United States Attorney  
 Attorney for the United States

17  
 18  
 19 Dated: March 11, 2008

/s/<sup>1</sup>  
 PETER A. LEEMING  
 Attorney for Claimant  
 Jimmy Dale Labranch

20  
 21  
 22 PURSUANT TO THE FOREGOING STIPULATION, IT IS SO ORDERED ON THIS \_\_\_\_\_  
 23 OF MARCH, 2008.

24 HONORABLE WILLIAM H. ALSUP  
 United States District Judge

25  
 26  
 27  
 28 <sup>1</sup> The JCMS was read to Mr. Leeming over the phone and Mr. Leeming authorized placing the “/s/” in lieu of his signature.